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9 IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON
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11 UNITED STATES OF AMERICA,
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13 Plaintiff,

14 vs.

15 JAMES DEAN CLOUD,
16

16 Defendant.
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1:19-CR-02032-SMJ-1

Notice of Agreed Upon Alternate
Briefing Schedule – Motion to
Suppress Identification

18 Plaintiff, United States of America, by and through William D. Hyslop, United
19 States Attorney for the Eastern District of Washington, and Thomas J. Hanlon and
20 Richard C. Burson, Assistant United States Attorneys for the Eastern District of
21 Washington, here by notifies that Court that, in accordance with the Court's prior
22 orders, the parties have agreed to an alternate briefing schedule regarding the
23 Defendant's Motion to Suppress Identification.
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Background

On June 19, 2019, the Court issued its Case Management Order (“CMO”) in the above captioned case governing, among other things, the applicable motions practice and default briefing schedule, and informing the parties that they could agree on an alternate briefing schedule without leave of the Court, so long as five days remained between the filing of the final pleading and the hearing on the subject matter. ECF No. 31 ¶ 5.A.

On February 18, 2020, counsel for the Defendant filed a Motion to Suppress J.V.’s Tainted Identification. ECF No. 147. Per the CMO, as amended, the government’s response, absent alternate agreement by the parties, would be filed by February 25, 2020. The Defendant’s reply deadline would be March 3, 2020.

On February 24, 2020, the Court issued an order informing that parties that, among other things, the Court would not be addressing the Defendant’s Motion to Suppress J.V.’s Tainted Identification at the March 17, 2020 pretrial conference. ECF No. 151.

Agreed upon alternate briefing schedule

On February 24, 2020, undersigned counsel for the United States spoke with counsel for the Defendant, and the parties agreed to the following briefing schedule:

Pleading	Deadline
United States' Response to Defendant's Motion to Suppress J.V.'s Tainted Identification	March 6, 2020
Defendant's Reply	March 20, 2020

Because the parties do not anticipate that the subject motion will be addressed prior to March 25, 2020, the above referenced briefing schedule complies with the CMO's mandate that pleadings be filed no later than five days prior to the hearing at which they will be addressed.

Cause

The Defendant's motion deals with a complicated fact pattern and analysis, and thus runs 47 pages. Similarly, the United States' response will be of similar length, and will require a follow-up review of the record before it can be fully drafted. Finally, the Defendant will likely need two weeks to form a reply, especially in light of the Defendant's counsel's current schedule, which places him out of the District for a period in March.

Conclusion

For the cause shown above and in accordance with the Court's orders, the parties hereby notify the Court that the parties have agreed that the United States' Response to ECF No. 147 will be filed no later than March 6, 2020, and the

1 Defendant's reply no later than March 20, 2020. The parties are not requesting an
2 order from the Court.
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5 DATED: February 25, 2020 William D. Hyslop
6 United States Attorney

7 s/ Thomas J. Hanlon
8 Thomas J. Hanlon
9 Assistant United States Attorney

10 s/ Richard Burson
11 Richard Burson
12 Assistant United States Attorney
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1 I hereby certify that on February 25, 2020, I electronically filed the foregoing with
2 the Clerk of the Court using the CM/ECF System which will send notification of such
3 filing to the following: Lorinda Youngcourt, Esq.; John B. McEntire, IV, Esq.; Jeremy
4 B. Sporn, Esq.

5 s/ Richard Burson
6 Richard Burson
7 Assistant United States Attorney
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